

SOR/86-121
dated Jan 13/86

THE CANOE LAKE BAND OF INDIANS
By-law 85.1 Intoxicants 1:1985

Being a by-law to provide for the control of
the use of intoxicants on the Canoe Lake
Indian Reserves No. 165, 165A and 165B and
the Eagles Lake Indian Reserve No. 165C.

WHEREAS Section 85.1 of the Indian Act empowers the Council
of a Band of Indians to make a by-law respecting the control of the
use of intoxicants on its reserve and the imposition of a penalty
for the violation thereof;

WHEREAS in the negotiations entered into prior to the
signing of the treaties, both the Commissioners respecting Her
Majesty the Queen, and the Chiefs representing the Indian nations,
as evidenced by oral history and the Commissioners' reports, it
was understood that the use of intoxicants would be prohibited on
the reserves set aside for the use and benefit of the Indian
people;

WHEREAS according to the terms of the treaties, the Chiefs
representing the Indian people agreed to maintain peace and good
order between each other;

WHEREAS by Section 25 of the Constitution Act, 1982, the
guarantees in the Charter of Rights and Freedom shall not be
construed so as to abrogate or derogate from any aboriginal treaty
or other rights or freedoms that pertain to the aboriginal people
of Canada;

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WHEREAS the Council of the Canoe ALake Band of Indians is desirous of preserving the treaty right of maintaining peace and good order between each other, including the control of the use of intoxicants on the reserve;

AND WHEREAS it is deemed to be expedient to control the use of intoxicants on these reserves for the safety and welfare of the members;

NOW THEREFORE the Council of the Canoe Lake Band of Indians hereby enacts as a by-law thereof as follows:

1. In this by-law
 - (a) "Intoxicants" includes alcohol, alcoholic, spirituous, vinous, fermented malt, or other intoxicating liquor, or a combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise intoxicating, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption that are intoxicating;
 - (b) Intoxication means the state of being intoxicated by intoxicants, that is, drunkenness or inebriety, or the mental and physical condition inducted by drinking excessive quantities of alcoholic liquors;
 - (c) "reserve" means all those tracts of lands the legal title to which is vested in Her Majesty, that has been set apart for the use and benefit of the Canoe Lake Band of Indians.

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2. No person shall sell, barter, supply or manufacture intoxicants on these reserves of the Canoe Lake Band, and every person who, in contravention of any provision of this by-law sells, barter, supplies or manufactures intoxicants on these reserves of the Canoe Lake Band is guilty of an offence and liable on summary conviction to a fine of not more than One Thousand Dollars or to imprisonment for a term not exceeding six months or to both.

3. No person shall be in a state of intoxication or have intoxicants in his possession on these reserves of the Canoe Lake Band, and every person who, in contravention of any provision of this by-law, is in a state of intoxication or has intoxicants in his possession on these reserves of the Canoe Lake Band is guilty of an offence and liable on summary conviction to a fine of not more than One Hundred Dollars or to imprisonment for a term not exceeding three months or to both.

Approved at a special meeting of the Electorate of the Canoe Lake Band of Indians this 19th day of December , 1985.

Be it known that this by-law entitled Canoe Lake Band By-law 85.1 intoxicants is hereby enacted as by-law No. 1:1985 by

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the Council of the Canoe Lake Band of Indians at a duly convened meeting of the said Council held on the 23rd day of December , 1985.

Thomas Iron
Chief

Norman Opekokew
Witness

Joe Opekokew
Councillor

Rose Morin
Witness

Gilbert Iron
Councillor

Rod Durocher
Witness

August Iron
Councillor

Garry Iron
Witness

Max Iron
Councillor

Marie Opekokew
Witness

Eli Opekokew
Councillor

Marie Opekokew
Witness